

OCT 28 2005

BEFORE THE FEDERAL ELECTION COMMISSION

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

In the Matter of

MUR 5590  
WILSON FOR CONGRESS

2005 OCT 28 P 1:15  
CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

**SENSITIVE**

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

and are deemed inappropriate for review by the Alternative Dispute Resolution

Office are forwarded to the Commission with a recommendation for dismissal.<sup>1</sup> The

Commission has determined that pursuing low-rated matters compared to other higher rated

matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to

dismiss these cases.

The Office of General Counsel scored MUR 5590 as a low-rated matter. In this case

the respondents appear to have timely reported the expenditure at issue in the complaint. In

light of the de minimis nature of the allegations and reviewing the merits of MUR 5590 in

furtherance of the Commission's priorities and resources relative to other matters pending on

the Enforcement docket, the Office of General Counsel believes that the Commission should

exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S.

821 (1985).

<sup>1</sup> This Office conferred with the Alternative Dispute Resolution Office and concluded the matter was inappropriate for further review.


**RECOMMENDATION**

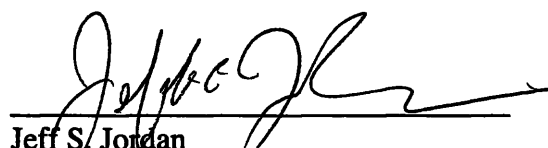
The Office of General Counsel recommends that the Commission dismiss MUR 5590, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters. Closing the case as of this date will allow CELA and General Law and Advice the necessary time to prepare the closing letters and the case file for the public record.

James A. Kahl  
Deputy General Counsel

10/29/08  
Date

BY:

  
\_\_\_\_\_  
Gregory R. Baker  
Special Counsel  
Complaints Examination  
& Legal Administration

  
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Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

Attachment:  
Narrative in MUR 5590

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5 **MUR 5590**

6  
7 **Complainant:** Aaron R. Houston, Director for  
8 Americans for Medical Marijuana  
9

10 **Respondents:** Heather Wilson for Congress &  
11 David A. Archuleta, as Treasurer  
12 CSI Aviation Services, Inc.  
13

14 **Allegations:** The complainants allege that the Heather Wilson for Congress Committee  
15 ("Committee") used a software program registered to CSI Aviation Services, Inc. (aka  
16 Charter Services) without reporting the disbursements associated for registering the  
17 software. The complainants contend that the use of the software constituted an in-kind  
18 prohibited contribution from Charter Services to the Committee.  
19

20 **Responses:** The Committee and Charter Services submitted evidence that the software in  
21 question was properly paid for and reported to the Commission. The software at issue  
22 was apparently run from computers that were leased to the Committee by Charter  
23 Services on October 11, 2004 and returned to Charter Services on November 5, 2004.  
24 The date of the disbursement by the Committee is listed as November 22, 2004, as  
25 reflected on its Post-General disclosure report that was filed on December 2, 2004. The  
26 expenditure was reported as costing the Committee \$380.  
27

28 **Date complaint filed:** October 29, 2004  
29

30 **Responses filed:** November 26, 2004 and December 16, 2004

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